

### **DETAILED ACTION**

Claim 1 is amended.

Claims 1-30 are pending.

#### ***Claim Rejections – 35 USC § 103***

The Examiner stated that claims 1-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6437818 to Ludwig et al., (hereinafter “Ludwig”), and further in view of U.S. Patent No. 5754765 to Danneels, Gunner et al., (hereinafter “Danneels”).

The Examiner did not include findings of fact regarding the state of the art and the teachings of Ludwig. The scope and content of the current application must be obtained by a thorough review of the specification and claims to understand what the applicant has invented in light of the prior art (Ludwig). See MPEP §§ 2141 and 904. In Applicant’s opinion, these findings of fact have not been made. Applicant’s invention is flexible and state of the art. Ludwig’s invention was designed eleven years ago and while Ludwig may have had some foresight, the invention, as developed by Applicant has many features that are neither present nor contemplated in Ludwig.

For Example, Ludwig teaches a Wide Area Network (WAN) that is connected via cables and/or telephone lines to multimedia local area servers (MLANs), in turn, these MLANs are coupled to work stations (WS). Thus, in Ludwig, everything is coupled to one another. While as stated in Applicant’s invention and the amended claims, Applicant’s invention is far reaching and flexible and can be coupled through any network and any endpoint, including the internet, which is not even considered in Ludwig. Thus, in just this sense, Applicant’s invention is patentably distinct from Ludwig and cannot be combined with Danneels or any other reference.

In just one example, the Examiner states that Ludwig teaches a multimedia collaboration system “wherein the endpoint address information comprises a uniform resource locator for a website (as stated in col. 8, ll. 38-62, col. 28, ll. 14-28, for

accessing multimedia documents hyperlinks provide endpoint addresses to those documents). *This is not the invention as claimed by Applicant.* Applicant's claim states "wherein the endpoint address information comprises a uniform resource locator for a website." As stated clearly in the claims, an endpoint address is the device from which the participant and/or user is accessing the media collaboration system, i.e. as stated in claim 1 "*A multimedia collaboration system for facilitating a multimedia collaboration session between a plurality of participants, comprising a plurality of client devices associated with each of the plurality of participants, each of the plurality of client devices configured to store endpoint address information associated with the associated participant, the multimedia collaboration system configured to*". Therefore, as clearly explained below, Applicant's invention is patentably distinct from Ludwig. Moreover, Applicant has clearly devised a new solution to a known problem at the time Ludwig was conceived and the solution of which was not known or conceived of at the time of Ludwig or Danneel. As stated by the Supreme Court in *KSR International Co* "As is clear from cases such as *Adams*, a patent composed of several elements is not proved obvious merely by demonstrating that each of its elements was, independently, known in the prior art. Although common sense directs one to look with care at a patent application that claims as innovation the combination of two known devices according to their established functions, it can be important to identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the elements in the way the claimed new invention does. *This is so because inventions in most, if not all, instances rely upon building blocks long since uncovered, and claimed discoveries almost of necessity will be combinations of what, in some sense, is already known.*" *KSR International Co. v Teleflex Inc.*, 550 U.S. 82 USPQ2d 1385, 1397 (2007)(Emphasis added).

First, an endpoint address is, as in Ludwig, the participant's address, i.e. a computer terminal (in Ludwig, a work station) and/or a terminal. Applicant's invention is a convenient, flexible system in which the endpoint addresses are flexible – not as in Ludwig, where endpoints are preferably work stations, or telephones coupled to a MLAN, as shown repeatedly in FIGs. 1, 3, 4, 12A, 12B, 13A, 13B, 14A, 14B, 15A, 15B, 16, 17A, 17B, 23, 24, 25, 26, 27, 31A, 31B, 31C, etc. and the accompanying descriptions.

For Example, col. 10, ll. 14-65, generally state “to be described is the manner in which the invention provides for real-time audio/video/data communication among geographically dispersed MLANs via WAN whereby delays, cost, and degradation of video quality are significantly minimized from what would otherwise. Four MLANs are illustrated at locations A, B, C and D. CMWs 12-1 to 12-10, A/V Switching Circuitry, Data LAN hub, and WAN gateway at each location correspond to those shown FIGs. 1 and FIGs. 3. Each WAN gateway in FIG. 4 will be seen to comprise a router/codec (R&C) bank coupled to WAN via WAN switching multiplexer. The router is used for data interconnection (for multimedia mail and document transmission, as well as videoconferencing). Codecs from multiple vendors, or supporting various compression algorithms may be employed. In the preferred embodiment, the router and codec are combined with switching multiplexer to form a single integrated unit.” Ludwig provides for “Video Conferencing on Existing UTP Infrastructure” while Applicants provide a new solution for a known problem – how to extend multimedia conferencing into a flexible arena, one in which a participant may use one or many devices. Applicant’s invention provides a solution that was not even contemplated by Ludwig. “When there is a design need or market pressure to solve a problem and there are a finite number of identified, predictable solutions, a person of ordinary skill has good reason to pursue the known options within his or her technical grasp. If this leads to the anticipated success, it is likely the product not of innovation but of ordinary skill and common sense.” *KSR International Co. v Teleflex Inc.*, 550 U.S. 82 USPQ2d 1385, 1397 (2007). In this case, there was a market need and pressure, at the time of the invention by Applicant’s there were not a finite number of identified, predictable solutions as identified by the Examiner. *Thus, a person of common sense would NOT have looked to Ludwig to solve the problem and the success was a product of innovation.* “In the instant case, we conclude that a person of ordinary skill in the art having common sense at the time of the invention would not have reasonably looked to Ludwig to solve a problem already solved by Applicant.” *Ex Parte Rinkevich et al*, Appeal 20071317, decided May 29, 2007.

Second, Ludwig has nothing to do with his invention. One only has to use *common sense* to see that an in-house (no matter how sophisticated) wide area

networking (WAN) system cannot compare with the state-of-the-art system for automatically adding a media component to an established media collaboration session of Applicant's invention. Applicant's invention as claimed requires "an established multimedia collaboration session configured to automatically obtain endpoint addresses from each of the client devices" and "associate a plurality of endpoint addresses associated with a participant of the plurality of participants with a network and with a media type;" and "select an appropriate endpoint address from the participant's client device based on a type of request, the network and the media type."

The Examiner has stated that this is an obvious combination using two pages of explanation. However, in those two pages there is no explanation as to how it is obvious, using the technology available at the time Ludwig and Danneels were issued that Applicant's (amended claim 1) innovative solution such as "associate a plurality of endpoint addresses associated with a participant of the plurality of participants with a network and with a media type, wherein the endpoint address is any end point that can talk or communicate, including an uniform resource locator for a website, a session initiation protocol telephone, a public switched telephone network, and any other type of media component that can talk or communicate" is not described or included in the description set forth by the Examiner. While the Examiner sets forth a detailed analysis as to why the references should be combined to obviate Applicant's Invention, the first paragraph in Danneels states "there is shown a real-time point-to-point audio, video and data conferencing between two PC systems." The Examiner goes on to state that "in the case of a video conference call or data conferencing session, collaboration initiator module then communicates with the audio video network manager (AVNM) to set up the necessary data structure and manage the various states of the call to control the A/V circuitry ... for each device on the network, the audio video network manager combines these four connections into a port abstraction, wherein each port represents an addressable bidirectional audio/video channel." The Examiner goes on to state that Danneels "presents the user with a list of possible callee addresses for the multimedia session, as part of a dialog box, the conferencing application lists addresses that

correspond to transports that the conferencing application has determined are available and loads corresponding media dependent modules.”

In conclusion, the Examiner states that “it would have been obvious to modify Ludwig’s Collaborative multimedia system to incorporate Danneel’s automatic transport detection and loading corresponding media dependent module, for automatically obtaining the endpoint addresses of the devices used over different types of networks and different types of media.” However, there is a flaw in the analysis – both Ludwig and Danneel’s only contemplate personal computers and telephones in their depictions as set forth by the Examiner in his Response to Arguments Section, i.e. “The communication manager comprises the following dynamically linked libraries ... there is only a single instance of the TTI library running on the host and it supports multiple media and multiple connections ... the TTI library makes DLM calls that are directed to handling the address type in question.” *What the Examiner fails to address is that the transport, i.e. the communication device/endpoint, is distinctly different from the endpoint address information and ultimately, the endpoint.* Determining which transports are available in Danneel is limited to the transports disclosed in Danneel, which include personal computers and telephones. Applicant’s invention is patentably distinct from both Ludwig and Danneel in that an endpoint is defined as any end point that can talk or communicate. While the examiner has stated, as discussed above, that Ludwig discloses an endpoint as a website, this is not so in that Ludwig describes an ISP link as a media component on a video conferencing screen for the participants to view in their discussions if needed. It is not used as an endpoint as used in Applicant’s invention, i.e. the communication device itself. *This alone makes the invention patentably distinct from BOTH Ludwig and Danneels and, thus identifies a vital flaw in the Examiner reasoning.*

*Ascertaining the differences between the prior art and the claims at issue requires interpreting the claim language, and considering both the invention and the prior art references as a whole.* See MPEP § 2111 - § 2116.01 for case law pertaining to claim interpretation. The Examiner is not looking at the claimed invention as a whole, but rather distilling the invention down to a gist or thrust of the invention and completely disregarding the “as a whole requirement.” See MPEP § 2111.

As amended, claim 1 reads as follows:

associate a plurality of endpoint addresses associated with a participant of the plurality of participants with a network and with a media type, wherein the endpoint address is any end point that can communicate including an uniform resource locator for a website, a session initiation protocol telephone, a public switched telephone network, and any other type of media component that can communicate;

Support for such limitations can be found at least on page 9 of the instant invention. Neither Ludwig nor Danneel, teach or suggest such limitations. As such, Applicant believes that claim 1 is in condition for allowance and each and every claim depending therefrom is allowable. Applicant respectfully requests that they be passed to allowance.

For the reasons described above, Applicant respectfully believes the current independent claim, as well as the claims that depend from it, are in condition for allowance and respectfully request that they be passed to allowance.

Respectfully submitted,  
WEST CORPORATION

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By: /Raffi Gostanian/  
Raffi Gostanian  
Reg. No. 42,595  
Tel: (972) 849-1310

11808 Miracle Hills Drive  
Omaha, Nebraska 68154  
(402) 965-7077